

MINUTES

**REGULAR MONTHLY MEETING
BOARD OF COSMETOLOGY AND HAIRSTYLING
124 HALSEY STREET - 6TH FLOOR
NEWARK, NEW JERSEY 07102
JUNE 12, 2012**

PUBLIC SESSION

I CALL TO ORDER

The regular monthly meeting of the Board of Cosmetology and Hairstyling was called to order at 9:30 a.m.

Roll Call:

Ms. Janice Alvarez, , Mr. Anthony Fiore, Mr. Peter Macri, Mr. Joseph Santagata, Mr. Jerry Speziale, Ms. Frances Tomeo, Mr. Jay Malanga, Executive Director and Ms. Barbara Ambrose, Program Development Assistant were present. Ms. Maria Cruz Denzer and Mr. James J. Forte were absent.

Also in Attendance:

Ms. Gracinda Almeida, Administrative Assistant, Ms. Marisol Rodrigues, Office Supervisor, Ms. Yolanda Morales, Principle Transcriber, Ms. Carol Ann Rotondo, Paralegal and the Board's counsel.

II OPEN PUBLIC MEETINGS ACT

The Chair announced that the time, date and location of the meeting was listed in the Annual Notice Schedule. The Annual Notice Schedule was mailed to Ms. Kim Guadagno, Secretary of State, and the Newark Star-Ledger and Trentonian Newspapers on December 14, 2011, and was posted in the Office of the Board of Cosmetology and Hairstyling on December 14, 2011.

III APPROVAL OF MINUTES (OPEN & CLOSED)

Upon motion made by Ms. Frances Tomeo and seconded by Mr. Peter Macri, the Executive Director's report, Committee reports, and Minutes of the regular monthly meeting held May 8, 2012 are accepted as read. The motion passed unanimously.

IV PUBLIC PARTICIPATION SESSION

V EXECUTIVE DIRECTOR'S ANNOUNCEMENTS

Mr. Jay Malanga distributed information on the 86th Annual Conference of the National Association of Barber Boards of America to be held on September 15- 20, 2012 and the annual conference of the National-Interstate Council of State Boards of Cosmetology to be held on August 25-27, 2012.

Mr. Jay Malanga stated that the Mass Testing went very well and thanked Frances Tomeo, Janice Alvarez, Jonathon Lee and Barbara Ambroise for all the hard work and pre-planning that went into it.

Ms. Janice Alvarez commended Barbara for successfully arranged to have more examiners scheduled.

Upon motion made by Mr. Peter Macri and seconded by Mr. Anthony Fiore, the August 14, 2012 Board Meeting is cancelled. The motion passed unanimously.

Mr. Jay Malanga informed the Board on the start of the renewals for shops and soon for the personal licensees. He stated that the online renewal process has been made much more simplified and stated that anyone renewing online should obtain a receipt at the end of the process. He stated that there were computer centers in Newark and Trenton for those who needed to access a computer for the online renewal.

Mr. Jay Malanga stated that Acting Director Eric T. Kanefsky met with the staff. He stated that the merger of functions has begun Division-wide. The Electrology Committee is merged with the Cosmetology & Hairstyling Board for administrative functions purposes only. He stated that the office is cross training staff.

The Board discussed the National Interstate Council of State Boards of Cosmetology Inc. (NIC) recent review of regulations pertinent to the use of tuberculocidal products. The Board indicated that would research the issue and to amend its regulation, when necessary.

VI FOR BOARD CONSIDERATION

1. A request received from Mr. Walberto Miranda, Director, Christine Valmy International School, Pine Brook, New Jersey for permission to start new students on July 9th rather than July 2nd and September 10th rather than September 3rd as required by N.J.A.C. 13:28-6.10 was presented to the Board for consideration.

Upon motion made by Mrs. Frances Gray and seconded by Mr. Peter Macri, Mr. Miranda's request is approved. The motion passed unanimously.

2. A request received from Ms. Kimberly C. Pepe, Campus Director, Jolie Hair and Beauty Academy, Northfield, New Jersey for permission to start new students on June 18, 2012, August 20, 2012, October 29, 2012 and November 19, 2012 rather than the first Monday of the month as required by N.J.A.C. 13:28-6.10 was presented to the Board for consideration.

Ms. Frances Tomeo questioned the reason why Ms. Pepe wanted to move the start dates.

Upon motion made by Mr. Peter Macri and seconded by Mr. Anthony Fiore, Mr. Malanga has authorization to approve Ms. Pepe's request upon receipt of a valid reason. The motion passed unanimously.

3. Correspondence received from Mr. Stephen Fletcher, Esquire on behalf of his client, Virginia Bramwell, t/a Sontaldi's Salon, 40 Main Street, Netcong, New Jersey connection with the outstanding penalty assessed against her in the amount of \$2,550.00 for the alleged violations resulting out of an inspection of her shop on September 21, 2010 was presented to the Board for consideration. She admitted to the charge of N.J.A.C. 13:28-2.12(a)3 and has paid the penalty (\$50.00) for that violation and indicated that she would like to waive her right to a hearing on the other charge but furnished a written explanation for the Board to consider before rendering its final decision.

Upon motion made by Ms. Frances Tomeo and seconded by Mr. Jerry Speziale, the Board affirms its original decision based on the advertisement for ear candling in the facility that was licensed according to the submitted and approved floor plan. The Board noted that the inspector has the authority pursuant to N.J.S.A. 45:1-18 to inspect entire licensed floor plan/facility that was approved. Also, the Board noted that an unauthorized expansion of the premises without prior approval pursuant to Board regulation is a violation. Additionally, respondent, aided and abetted the unlicensed practice of electrology and directed respondent to cease and desist from offering services not authorized by the Board and cease and desist from offering Electrology without getting a proper facility license. Respondent must resubmit a new floor plan in order to renew license. The motion passed unanimously.

4. Correspondence received from Ms. April DeFrancesco, t/a Creative Beauty Salon and Supply, 380 Totowa Road, Totowa, New Jersey in connection with the outstanding penalty assessed against her in the amount of \$100.00 for the alleged violation resulting out of an inspection of her shop on March 4, 2010 was presented to the Board for consideration. She indicated that she would like to waive her right to a hearing but furnished a written explanation for the Board to consider before rendering its final decision.

Upon motion made by Mr. Anthony Fiore and seconded by Ms. Frances Tomeo, the Board affirms its original decision as set forth in the Uniform Penalty Letter. The motion passed unanimously.

5. Correspondence received from Ms. Laura Soto, 315 Skyline Lakes Drive, Ringwood, New Jersey in connection with the outstanding penalty assessed against her in the amount of

\$100.00 for the alleged violation of N.J.S.A. 45:5B-12(f) & N.J.A.C. 13:28-2.12(a)2 at Simply Face & Body, 39 Interstate, Space #15, Ramsey, New Jersey on January 19, 2012 was presented to the Board for consideration. She indicated that she would like to waive her right to a hearing but furnished a written explanation for the Board to consider before rendering its final decision.

Upon motion made by Mr. Peter Macri and seconded by Mr. Jerry Speziale, the Board affirms its original decision as set forth in the Uniform Penalty Letter. The motion passed unanimously.

6. Correspondence received from Ms. Qiu Chai Gao, President, t/a Lily Nails, 88 Curtis Place, Toms River, New Jersey in connection with the outstanding penalties assessed against her in the amount of \$850.00 for the alleged violations resulting out of an inspection of her shop on June 2, 2011 was presented to the Board for consideration. She indicated that she would like to waive her right to a hearing but furnished a written explanation for the Board to consider before rendering its final decision.

Upon motion made by Ms. Frances Tomeo and seconded by Mr. Peter Macri, the Board affirms its original decision as set forth in the Uniform Penalty Letter. The motion passed unanimously.

7. Correspondence received from Mr. Thanh Van Phung, t/a Perfect Oriental Nails, 1808 Route 37 East, Toms River, New Jersey in connection with the outstanding penalties assessed against him in the amount of \$1,100.00 for the alleged violations resulting out of an inspection of his shop on July 22, 2010 was presented to the Board for consideration. He admitted to the charges of N.J.S.A. 45:5B-13(e) and N.J.S.A. 45:5B-13(d) and paid the penalty (\$550.00) for those violations and indicated that he would like to waive his right to a hearing on the other charges but furnished a written explanation for the Board to consider before rendering its final decision.

Upon motion made by Mr. Anthony Fiore and seconded by Ms. Frances Tomeo, the Board affirms its original decision as set forth in the Uniform Penalty Letter. The motion passed unanimously.

8. Correspondence received from Ms. Sindou Fane, t/a Kia Hair Braiding, 412 Sicklerville Road, Sicklerville, New Jersey in connection with the outstanding penalties assessed against her in the amount of \$1,950.00 for the alleged violations resulting out of an inspection of her shop on July 1, 2011 was presented to the Board for consideration. She indicated that she would like to waive her right to a hearing but furnished a written explanation for the Board to consider before rendering its final decision.

Upon motion made by Mr. Joseph Santagata and seconded by Mr. Peter Macri, the Board affirms its original decision as set forth in the Uniform Penalty Letter. The Board is

responsible for the safety, health and welfare of the consumer, it has jurisdiction over braiding because it falls within the statutory definition of regulated services and scope of practice of cosmetology and hairstyling. It noted that Ms. Fane has a blow dryer, combs & brushes, other supplies and barbed solution. However, both the use and non use of chemicals does not eliminate the need for a shop license or a practicing license when arranging hair. Ms. Fane is to cease and desist immediately. The motion passed unanimously.

9. Correspondence received from Mr. Hung Chi Luu, t/a Krystal Nail, 1893 Springfield Avenue, Maplewood, New Jersey in connection with the outstanding penalties assessed against him in the amount of \$9,650.00 for the alleged violations resulting out of an inspection of his shop on May 14, 2010 was presented to the Board for consideration. He indicated that he would like to waive his right to a hearing but furnished a written explanation for the Board to consider before rendering its final decision.

Upon motion made by Mr. Anthony Fiore and seconded by Ms. Frances Tomeo, the Board affirms its original decision as set forth in the Uniform Penalty Letter. The Board directed that a payment plan be offered with a first payment of \$3,650.00 and a payment of \$1000.00 each for the following six months. The motion passed unanimously.

10. Correspondence received from Ms. Kyung Ko, t/a Village Nails, 1284 Springfield Avenue, New Jersey in connection with the outstanding penalties assessed against her in the amount of \$3,200.00 for the alleged violation resulting out of an inspection of her shop on October 28, 2010 was presented to the Board for consideration. She indicated that she would like to waive her right to a hearing but furnished a written explanation for the Board to consider before rendering its final decision.

Upon motion made by Ms. Frances Tomeo and seconded by Mr. Peter Macri, the Board affirms its original decision as set forth in the Uniform Penalty Letter. The motion passed unanimously.

The Board directed that Ms. Ko apply for a manicuring shop license and that if she continues to be in violation, there will be enhanced penalties and the Board may initiate closing procedure.

11. Correspondence received from Mr. Quang Minh Ba, t/a Top Rose Nails, 143 US Route 1 South, Metuchen, New Jersey in connection with the outstanding penalties assessed against him in the amount of \$5,400.00 for the alleged violations resulting out of an inspection of his shop on July 2, 2010 was presented to the Board for consideration. He indicated that he would like to waive his right to a hearing but furnished a written explanation for the Board to consider before rendering its final decision.

Upon motion made by Mr. Jerry Speziale and seconded by Mr. Peter Macri, the Board affirms its original decision as set forth in the Uniform Penalty Letter. The motion passed

unanimously.

12. Correspondence received from Mr. Brad D. Shalit, Esquire, on behalf of his client, Linda Perette, t/a Public Image LTD, 1055 Hamburg Turnpike, Wayne, New Jersey in connection with a settlement offer for the alleged violation of N.J.A.C. 13:28-2.8 was presented to the Board for consideration .

Ms. Janice Alvarez recused herself from this matter.

Upon motion made by Ms. Frances Tomeo and seconded by Mr. Anthony Fiore. The Board rescinded the fine for the violation but advised that Ms. Perette change the name to include Extreme Cuts or be subject to continuous enhanced penalties for false advertisement. The motion passed unanimously.

13. Correspondence received from Mrs. Alli Smith, Advancement Director, Resurrection Catholic School, 402 N. Kings Highway, Cherry Hill, New Jersey in connection with their desire to host the site for the third time for a “Locks of Love” hair cutting event to be held on June 12, 2012 was presented to the Board for consideration..

Upon motion made by Ms. Frances Tomeo and seconded by Mr. Jerry Speziale, the Board approved the request. The motion passed unanimously.

14. IMO Christine Gorham, t/a Sweet and Sassy for Board discussion.

Upon motion made by Ms. Frances Tomeo and seconded by Mr. Jerry Speziale, the Board tabled this matter. The motion passed unanimously.

Agenda Supplement

Upon motion made by Ms. Frances Tomeo and seconded by Mr. Anthony Fiore, the following matters are to be added to the Agenda. The motion passed unanimously.

1. The Board considered the matter of LAKA Beauty Kiosk, which states it operates as a global corporation. LAKA Beauty Kiosk is a unique and nonstationary construction of modules that are primarily located in shopping malls. Customers can receive services of manicuring, nail polish applications, and purchasing of products at the kiosks. LAKA Beauty Kiosk has requested an application to open and operate facilities within shopping malls throughout the State of New Jersey. Their objective is to administered services from the kiosks to the public while meeting the requirements and maintaining compliance with the Board of Cosmetology and Hairstyling.

The Board discussed this matter at length. The Board stated that the Laka Kiosk has to meet the Board’s minimum requirements and apply for licensure.

Upon motion made by Ms. Fran Tomeo and seconded by Mr. Jerry Speziale, the Board will issue the shop application. The motion passed unanimously.

VII OLD BUSINESS

VIII NEW BUSINESS

Committee Reports

Examination & Sites:

Mr. Peter Macri reported that all committee work is up to date..

Education & Public Relations:

Mr. Jerry Speziale reported that all committee work is up to date.

Violations:

Mr. Joseph Santagata reported that all committee work is up to date.

Legislation:

Mr. Peter Macri reported that all committee work is up to date.

School & Department of Education Liaison:

Ms. Frances Tomeo reported that all committee work is up to date.

Regulatory Committee:

Mr. Anthony Fiore reported that all committee work is up to date.

IX EXECUTIVE SESSION

The Board adjourned the Public Session and moved to the Executive Session for advice of counsel and review of open matters (investigations and deliberations). When and if action is taken, it will be reported in Public Session.

11:00 A.M. IMO Brittany M. McCorkell

Upon motion made by Ms. Joseph Santagata and seconded by Mr. Peter Macri, Ms. McCorkell is allowed to sit for the State Board Examination provided she submit monthly reports from her probation officer, a copy of her release order when she is released from supervision, the name and address of her employer and immediate written notification of any change of employment or residential address and that she have no further contact with the criminal justice system. The motion passed unanimously.

11:30 A.M. IMO Heather K. Henschel

Upon motion made by Mr. Joseph Santagata and seconded by Mr. Jerry Speziale , Ms. Heather K. Henschel is allowed to continue licensed provided she submit quarterly reports from her probation officer, a copy of her release order when she is released from supervision, the name and address of her employer and immediate written notification of any change of employment or residential address and that she have no further contact with the criminal justice system. The motion passed unanimously.

X ADJOURNMENT

Upon motion made by Mr. Jerry Speziale and seconded by Mr. Peter Macri, the meeting was adjourned at 2:25 P.M.. The motion passed unanimously.

JANICE ALVAREZ, Board Chairperson

Countersigned:

JAY A. MALANGA, Executive Director